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SUBJECT: ABU GHRAIB AND AFGHANISTAN DETAINEE TALKING POINTS
REF: BRUSSELS 984

¶1. (U) Embassy Brussels may draw upon the points in paras 2-3 below in answering questions about the status of Abu Ghraib prison in Iraq and about detainee policy and practice in Afghanistan. The points in para 4 can be shared as a fact sheet.

Status of Abu Ghraib

¶2. (U) Abu Ghraib prison was transferred to the Government of Iraq on September 2, 2006. The facility is now controlled by the Iraqi Ministry of Justice and has been renamed "Baghdad Central Prison." The GOI reopened the facility in February ¶2009. Questions about the prison should be directed to the Government of Iraq.

NATO/ISAF Detainee Procedures

¶3. (U) According to ISAF standard operating procedures, ISAF troop contributing nations (TCNs) release or hand over to the appropriate Afghan authorities, any detainee captured by ISAF personnel within 96 hours of capture. ISAF procedures allow, under exceptional circumstances, the period of time prior to transfer to be extended beyond 96 hours for medical or logistical reasons. U.S. Forces operating under the auspices of ISAF release or hand over detainees to the appropriate Afghan authorities within 96 hours of capture, pursuant to ISAF procedures.

OEF Detainee Procedures

¶4. (U) The following points on U.S. detainee procedures under Operation Enduring Freedom (OEF) can be shared with government officials, NGOs, and the media as a fact-sheet.

-- U.S. Forces hold detainees at the Bagram Theater Internment Facility (BTIF) in accordance with the law of war. Detainees remain in DOD custody unless and until a review board determines that the threat they pose may be sufficiently mitigated without continued detention by U.S. Forces.

-- Where appropriate, DOD transfers detainees to Afghan authorities for prosecution under Afghan law. To date, the Afghan Government has tried more than 400 detainees, with a conviction rate of approximately 83%. These detainees are held by the Afghan Government at the Afghan National Detention Facility (ANDF).

-- To improve our ability to assess each detainee's status,

threat, and potential for rehabilitation and reconciliation, DOD has developed enhanced detainee review procedures for the BTIF. The modified procedures also enhance each detainee's ability to challenge his or her detention.

-- DOD intends to implement the new procedures this fall, following a 60-day congressional notification period required by U.S. law.

-- Building on lessons learned in our detention Operations in Iraq, DOD is building a new BTIF, to be completed this fall.

-- The new facility is designed to house the current population of approximately 600 detainees and it will have a surge capacity of nearly 1200 detainees. The design includes features such as classrooms where detainees can participate in basic education classes and religious discussions, and vocational facilities where detainees can develop technical skills that will enable them to find employment upon their release. The goal of these programs is to assist the detainees in becoming productive members of Afghan society when they are eventually released.

Background

15. (U) U.S. Forces operating under the auspices of Operation Enduring Freedom (OEF) currently hold approximately 600 detainees at the Bagram Theater Internment Facility (BTIF). These detainees are believed to be part of, or substantially supporting, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including those who have directly supported hostilities in aid of such enemy forces. U.S. Forces operating under the auspices of the International Security and Assistance Force (ISAF) turn detainees over to Afghan authorities within 96 hours of capture, pursuant to ISAF policy.

16. (SBU) Since 2007, DoD has transferred 691 detainees from the BTIF and Guantanamo to the Afghan National Detention Facility (ANDF). Of these, 435 have been prosecuted in Afghan courts, with a conviction rate of 83%. The Afghan Government has released 357 detainees from the ANDF, either without trial or following acquittal or service of sentence. Detainees whose threat cannot be mitigated through criminal prosecution remain in DoD control, unless and until a review board determines that they may be safely released.

17. (U) On July 2, 2009, DoD approved new procedures for reviewing the status of detainees at the BTIF. These enhanced procedures significantly improve DoD's ability to assess whether the facts support the detention of each detainee as an unprivileged enemy belligerent, the threat each detainee represents, and the detainee's potential for rehabilitation and reconciliation. The modified procedures also enhance the detainee's ability to challenge his or her detention. The Detainee Treatment Act requires DoD to notify the Committees on Armed Services and the Committees on the Judiciary of the Senate and House of Representatives at least 60 days before changes in detention procedures go into effect. DoD provided written notice of these changes on July 14, 2009.

18. (U) DoD is building a new BTIF, which is expected to be completed in the fall of 2009. The facility is designed to hold 672 detainees, and it will have a surge capacity of nearly 1,200. The design of the new BTIF also will better accommodate detainee rehabilitation efforts and thus support the broader counter-insurgency campaign.

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